

TRAFFICKING IN PERSONS

INFORMATION RESOURCE CENTER | PUBLIC AFFAIRS SECTION | EMBASSY OF THE UNITED STATES OF AMERICA

WHAT IS TRAFFICKING IN PERSONS?

Over the past 15 years, “trafficking in persons” or “human trafficking” have been used as umbrella terms for activities involved when one person obtains or holds another person in compelled service. The Trafficking Victims Protection Act (TVPA) describes this compelled service using a number of different terms: involuntary servitude, slavery, debt bondage, and forced labor.

Under the UN’s Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol) and the TVPA, people may be trafficking victims regardless of whether they were born into a state of

servitude or were transported to the exploitative situation, whether they once consented to work for a trafficker, or whether they participated in a crime as a direct result of being trafficked. At the heart of this phenomenon are the myriad forms of enslavement – not the activities involved in international transportation.

Major Forms of Human Trafficking Include:

Forced Labor

Also known as involuntary servitude, forced labor may result when unscrupulous employers exploit workers made more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or cultural

acceptance of the practice. Immigrants are particularly vulnerable, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.

Sex Trafficking

When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through coercion – that person is a victim of trafficking. All of those involved in recruiting, transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime.

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POINT OF INTEREST: 2011 TRAFFICKING IN PERSONS REPORT



The *Trafficking in Persons Report*, released annually by the Department of State’s Office to Monitor and Combat Trafficking in Persons, is the most comprehensive worldwide report on the efforts of governments to combat severe

forms of trafficking in persons. Its findings will raise global awareness and spur countries to take effective actions to counter trafficking in persons. The annual report serves as the primary diplomatic tool through which the U.S. Government encourages partnership and increased determination in

the fight against forced labor, sexual exploitation, and modern-day slavery.

Get the full report at:
<http://goo.gl/fBBPQ>

Related link:
 Office to Monitor and Combat Trafficking in Persons: <http://goo.gl/M7BiU>

U.S. Embassy Jakarta Mission Statement

Based on mutual respect and shared values, the U.S. Mission works with Indonesia to strengthen democracy, sustain the environment, promote prosperity, enhance understanding and ensure security for our people, our nations, and our region.

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TRAFFICKING IN PERSONS REPORT 2011: INDONESIA

Dalam laporan *Trafficking in Persons 2011*, Indonesia ditempatkan dalam kelompok Tier 2, yaitu negara dengan pemerintahan yang tidak sepehunya mematuhi standar minimum penghapusan perdagangan manusia, yang ditetapkan oleh The Trafficking Victims Protection Act (TVPA), tapi berupaya secara signifikan untuk memenuhi standar tersebut.

Indonesia merupakan negara sumber utama perdagangan seks dan kerja paksa bagi perempuan, anak-anak, dan laki-laki, dan dalam tingkatan yang jauh lebih rendah menjadi negara tujuan dan transit perdagangan seks dan kerja paksa. Sejumlah besar pekerja migran Indonesia menghadapi kondisi kerja paksa dan terjerat utang di negara-negara Asia yang lebih maju dan Timur Tengah

Berdasarkan survei dan data-data dari IOM (International Organization for Migration), pemerintah Indonesia dan sebuah LSM terkemuka yang bergerak di bidang anti-perdagangan di Indonesia, di dapat fakta-fakta berikut ini:

- Diperkirakan ada 6,5 juta sampai 9 juta Tenaga Kerja Indonesia (TKI) di seluruh dunia dan 69 persen diantaranya adalah perempuan.
- Terdapat 43-50 persen TKI di luar negeri menjadi korban dari kondisi yang mengindikasikan adanya perdagangan manusia.

- Dari 3.840 korban perdagangan manusia , 90 persen adalah perempuan dan 56 persen telah dieksplorasi dalam pekerjaan rumah tangga.
- Total 82 persen korban yang diidentifikasi pada tahun 2010 telah menjadi korban perdagangan manusia ke luar negeri; 18 persen diantaranya menjadi korban perdagangan manusia di Indonesia.
- Sebanyak 50 persen dari korban perdagangan manusia di Indonesia adalah anak-anak
- Di tahun 2010, terdapat 471 migran Indonesia kembali dari Timur Tengah tengah hamil akibat perkosaan, dan 161 orang lainnya kembali dengan anak-anak yang telah lahir di Timur Tengah.

Dari hasil wawancara sukarela dengan korban perdagangan manusia, dilaporkan bahwa mereka mengalami bentuk-bentuk pelecehan yang kesemuanya kondusif untuk perdagangan manusia yaitu:

- Gaji ditahan (85 persen)
- Jam kerja berlebihan (80 persen)
- Pembatasan pergerakan (77 persen)
- Pelecehan verbal atau psikologis (75 persen)
- Penyitaan dokumen perjalanan (66 persen).

Adapun bentuk-bentuk perdagangan manusia yang lazim terjadi di Indonesia

dan pada TKI di luar negeri adalah:

- Prostitusi /pelacuran paksa terhadap anak dan perempuan TKI Indonesia.
- Eksplorasi anak-anak sebagai pekerja di rumah tangga maupun industri rumahan
- Kerja paksa pertanian, pertambangan, dan perikanan di daerah pedalaman.

Lebih lanjut, IOM menyatakan bahwa perusahaan yang merekrut TKI baik legal dan ilegal, bertanggung jawab atas lebih dari 50 persen tenaga kerja perempuan yang mengalami kondisi perdagangan manusia di negara tujuan.

Cara-cara yang lazim digunakan oleh perusahaan perekruit/ perantara perusahaan perekruit dan pelaku perdagangan manusia adalah:

- Memberikan janji-janji mendapatkan pekerjaan dengan upah tinggi di industri jasa pariwisata.
- Menjebak calon korban dalam jeratan hutang.
- Menculik calon korban, terutama anak-anak perempuan dan perempuan muda.
- Pernikahan palsu
- Penipuan terhadap pelajar sekolah kejuruan melalui kesempatan magang.
- Penyitaan paspor.

Mengacu pada laporan *Trafficking in Persons 2011*, pe-

merintah Indonesia telah melakukan sejumlah reformasi yang secara signifikan meningkatkan koordinasi dan efektivitas dari 19 kementerian dan lembaga negara yang terlibat dalam penanganan perdagangan manusia. Beberapa contoh langkah kongkrit yang sudah dilaksanakan:

- Membentuk Koalisi Nasional Penghapusan Eksplorasi Seksual Komersial Anak di Universitas Indonesia untuk mengatasi penipuan kesempatan magang terhadap pelajar sekolah kejuruan.
- Mengklarifikasi peran Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia (BNP2TKI) di Luar Negeri dalam menerapkan Undang-Undang (UU) Tenaga Kerja Indonesia tahun 2004 (UU No 39).
- Menetapkan UU imigrasi baru dan menyediakan instrumen hukum tambahan untuk mengatasi keterlibatan pejabat penegak hukum dalam perdagangan dan penyeplundupan manusia.
- Menyusun Rancangan UU (RUU) yang lebih progresif untuk melindungi TKI di luar negeri, termasuk korban perdagangan manusia secara lebih efektif.
- Melarang sertifikasi pekerja migran perempuan Indonesia yang akan pergi ke Arab Saudi dan Yordania, menyalus la-

WHAT IS TRAFFICKING IN PERSONS? *(continued from page 1)*

Sex trafficking also can occur within debt bondage, as women and girls are forced to continue

in prostitution through the use of unlawful “debt” purportedly incurred through their transportation, recruitment, or even their crude “sale” – which exploiters insist they must pay off before they can be free. It is critical to understand that a person’s initial consent to participate in prostitution is not legally determinative: if they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.

Bonded Labor

One form of force or coercion is the use of a bond, or debt. Often referred to as “bonded labor” or “debt bondage,” the practice has long been prohibited under U.S. law by the term peonage, and the Palermo Protocol requires its criminalization as a form of trafficking in persons. Workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers also may inherit debt in more traditional systems of bonded labor. In South Asia, for example, it is estimated that there are millions of trafficking victims working to pay off their ancestors’

debts.

Debt Bondage Among Migrant Laborers

Abuses of contracts and hazardous conditions of employment for migrant laborers do not necessarily constitute human trafficking. However, the imposition of illegal costs and debts on these laborers in the source country, often with the support of labor agencies and employers in the destination country, can contribute to a situation of debt bondage. This is the case even when the worker’s status in the country is tied to the employer in the context of employment-based temporary work programs.

Involuntary Domestic Servitude

A unique form of forced labor is the involuntary servitude of domestic workers, whose workplaces are informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment, which often socially isolates domestic workers, is conducive to nonconsensual exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. Investigators and service providers report many cases of untreated illnesses and, tragically, widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude.

Forced Child Labor

Most international organizations and national laws recognize children may legally engage in certain forms of work. There is a growing consensus, however, that the worst forms of child labor, including bonded and forced labor of children, should be eradicated. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. Indicators of possible forced labor of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child’s family and does not offer the child the option of leaving.

Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. When children are enslaved, however, their abusers should not escape criminal punishment by virtue of long-standing administrative responses to child labor practices.

Child Soldiers

Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children – through force, fraud, or coercion – as combatants or for labor or sexual exploitation by armed forces. Perpetrators may be government forces,

paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are unlawfully made to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.

Child Sex Trafficking

According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children. The use of children in the commercial sex trade is prohibited under both the Palermo Protocol and U.S. law as well as by legislation in countries around the world. There can be no exceptions and no cultural or socioeconomic rationalizations preventing the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death.

Source: <http://goo.gl/13BeN>

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TRAFFICKING IN PERSONS REPORT 2011: INDONESIA *(continued from page 2)*

rangan serupa yang sudah diberlakukan untuk TKI perempuan Indonesia yang akan ke Malaysia.

Lebih lanjut, laporan *Trafficking in Persons 2011* merekomendasikan hal-hal berikut ini:

- Pemerintah Indonesia mengesahkan RUU yang akan mengubah Undang-undang Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri tahun 2004.
- Melakukan upaya yang lebih besar untuk menuntut dan menghukum pi-dana agen perekрутan tenaga kerja yang terlibat dalam perdagangan dan praktek rekruitmen gelap yang memfasilitasi perdagangan manusia, termasuk mengenakan biaya perekрутan yang tidak sebanding dengan pelayanan yang diberikan perusahaan

perekрутan.

- Meningkatkan upaya untuk menuntut dan menghukum para pejabat publik - terutama penegak hukum dan pejabat Kementerian Tenaga Kerja yang terlibat dalam perdagangan manusia
- Melakukan upaya untuk menuntut dan menghukum mereka yang memperoleh pelayanan seksual komersial anak
- Meningkatkan pendanaan pemerintah di semua tingkatan administrasi pemerintahan bagi upaya penegakan hukum, penyelamatan, pemulihan, dan reintegrasi korban perdagangan manusia
- Meningkatkan upaya untuk melindungi pekerja rumah tangga di Indonesia, khususnya anak-anak, melalui penegakan hukum, kesadaran masyarakat dan bantuan untuk keluarga
- Meningkatkan upaya untuk memerangi perdagangan manusia melalui kampanye kesadaran masyarakat dan aparat pemerintah dan

penegak hukum di semua tingkatan pemerintahan di daerah yang menjadi sumber perdagangan manusia utama.

Disarikan dari: *2011 Trafficking in Persons Report: Narrative Country-Indonesia*

Versi lengkap bisa diakses di:
<http://goo.gl/KJXkc> (dalam bahasa Indonesia)
<http://goo.gl/NBQIN> (in English version)



"Modern slavery – be it bonded labor, involuntary servitude, or sexual slavery – is a crime and cannot be tolerated in any culture, community, or country ... [It] is an affront to our values and our commitment to human rights." – **Hillary Rodham Clinton, Secretary of State**

